IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3656 OF 2005
IN
FIRST APPEAL(ST) NO.17776 OF 2005

Shri Anil Ganpat Jadhav
(since deceased) through
legal representatives ...Applicants
Vs.
Shri Shripat Ganpat Jadhav & Ors. ...Respondents

Mr R.S. Patil for the Applicants.
Mr B.K. Raje for the Respondents.

CORAM : A. S. OKA, J.
DATE : APRIL 04, 2006.

P.C.:

1. Heard the Advocates appearing for the parties. Shri Raje appearing for the Respondents relied upon the affidavit-in-reply and pointed out that allegations made in the paragraph No.6 of the Application are false. He submitted that there is absolutely no explanation for delay.

2. I have considered the submissions. The delay is only of sixty-four days in preferring the First Appeal. As held by the Apex Court, liberal approach is to be adopted while deciding the Application for condonation of delay. Considering the fact that delay is of only sixty-four days, same deserves to be

granted. However, it is clarified that the allegations made by the Applicants in paragraph No.6 of the Application are not at all established and the same are not accepted by this Court.

3. Application is allowed in terms of prayer clause (a). The Applicants are directed to pay costs of Rs.2,500/- to the Respondents within period of four weeks from today.

4. If the amount of costs is not paid/ deposited within the stipulated time, Application will stand rejected.

5. Office will assign appropriate date for hearing as of admission of the Appeal.

JUDGE